IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 5398 OF 2005

Shri. Hanmant Maruti Pandit ... Petitioner

Versus

The Sant Dnyaneshwar Shikshan
Prasarak Mandal and Ors. ... Respondents

Mr. S.P. Kadam for Petitioner.

Mr. A.G. Kothari for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 20TH SEPTEMBER, 2005

P.C.

. Considering the contention by the respondent Management in their affidavit in Para 7 that the services of the Petitioner who was on probation were terminated by letter dated 31.3.2005 with effect from 3.5.2005 and further averment that the pursuant to advertisement dated 23.6.2005 for the post of Assistant Teacher to Junior College, the Petitioner herein had applied for the said post, it will be clear prima facie that the services of the Petitioner have been terminated. If that be so, the Petitioner will have to file appeal before the tribunal as constituted under the School Act read with rules. In the light of that this will not be a fit case for this court to exercise its extra ordinary jurisdiction.Hence, petition rejected.

. It is made clear that all contentions are left open including the contention of the Petitioner that the order of termination has not been served upon him and/or in fact there is no order of termination or that he has applied for the vacancy, pursuant to an advertisement.

. On behalf of respondent Management, the learned counsel makes a statement that if the Petitioner files an appeal within four weeks from today, the respondent Management will not raise any objection that the appeal is barred by limitation and will proceed to argue the matter on merits. Statement accepted.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)